

## REMARKS/ARGUMENTS

Claims 12 and 31 have been amended. Claims 12-18, 20, 22 and 29-40 are currently pending in this application.

Claims 12 and 31 have been amended to clarify that the first and second ends of the first dispensing tip in step i) are open, and that the first end of the sealed dispensing tip in steps ii), iii) and iv) is open. Support for the above amendments is provided, for example, by Figure 3.

Claims 12 and 31 have been further amended to clarify that the first dispensing tip being sealed in step ii) contains the fluid, for consistency with the recited sealed dispensing tip defining a reservoir containing the fluid.

### Rejection Under 35 U.S.C. 112

Examiner has rejected claims 12-18, 20, 22 and 29-40 under 35 U.S.C. 112, second paragraph. Specifically, Examiner has asserted that step iii) of claim 12 is inconsistent with step iv) in the case where all of the fluid is aspirated in step iii). Applicant has addressed Examiner's objection by amending claims 12 and 31 to clarify that the claimed method comprises steps i) and ii) and one of steps iii) and iv).

In view of the foregoing comments and amendments, Examiner is respectfully requested to withdraw the rejection to claims 12-18, 20, 22 and 29-40 under 35 U.S.C. 112, second paragraph.

### Rejection Under 35 U.S.C. 103(a)

Examiner has rejected claims 12, 14, 16, 17, 20, 22, 29, 30 and 39 under 35 U.S.C. 103(a) as allegedly being unpatentable over U.S. Patent No 5,206,568 (Bjornson

*et al.*) in view of U.S. Patent No. 5,578,460 (Ebersole *et al.*). Applicant respectfully traverses Examiner's rejection for the reasons set forth below.

Bjornson *et al.* describe a method comprising aspirating fluid into a pipette tip, releasing the aspirated fluid into a well, and transferring the fluid from the well into another well that optionally contains a chemical reagent.

Ebersole *et al.* describe sealing the dispensing end of a pipette tip to form a micro-collection tube, and using the micro-collection tube to collect fluid.

Bjornson *et al.* or Ebersole *et al.* do not, however, teach or suggest, either individually or in combination, the presently claimed method, which comprises withdrawing fluid into a first dispensing tip having an *open* first end and an *open* second end, and sealing the *open* second end of the first dispensing tip *containing* the fluid to form a sealed dispensing tip having an open first end and a closed second end and defining a sample reservoir containing the fluid.

Accordingly, based on the foregoing comments, the presently pending claims are patentable over Bjornson *et al.* in view of Eberson *et al.*, and Examiner is respectfully requested to withdraw the rejection under 35 U.S.C. 103(a).

It is respectfully submitted that the above-identified application is now in a condition for allowance and favorable reconsideration and prompt allowance of these claims are respectfully requested. Should the Examiner believe that anything further is desirable in order to place the application in better condition for allowance, the Examiner is invited to contact Applicants' undersigned attorney at the telephone number listed below.

Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Any additional fee which is due in connection with this amendment should be applied against our Deposit Account No. 19-0522.

Respectfully submitted,

By   
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